

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 19 DEC 2005

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Applicant's or agent's file reference N.90444A NP	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/B2004/003800	International filing date (day/month/year) 19.11.2004	Priority date (day/month/year) 20.11.2003	
International Patent Classification (IPC) or national classification and IPC B60R21/20, B29C44/14, B29C44/12, B29C39/10			
Applicant INTIER AUTOMOTIVE INTERIORS LTD. et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 27.05.2005		Date of completion of this report 16.12.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer Ekblom, H Telephone No. +49 30 25901-543 	

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-11 as originally filed

Claims, Numbers

11-16 as originally filed

1-10 received on 27.05.2005 with letter of 24.05.2005

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-4, 6, 8-9
	No: Claims	1, 5, 7, 10
Inventive step (IS)	Yes: Claims	2-4, 6, 8-9
	No: Claims	1, 5, 7, 10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Item VIII

Certain observations on the international application (Clarity).

1. The application does not meet the requirements of Article 6 PCT, because claims 1 and 7 are not clear.
 - 1.1 On line 1 of claim 1 is the expression "cassette" unclear and is therefore interpreted broadly.
 - 1.2 On line 4 of claim 1 is the expression "at least partially encapsulated and suspended by" unclear for two reasons.
 - 1) It is not in the description nor in the drawings foreseen that the reinforcement material completely is encapsulated by the frame member.
 - 2) It is not clear that the reinforcement material is encapsulated by the frame member at all since a "by" is missing after encapsulated. The claim is interpreted as if the reinforcement material is encapsulated by anything, not necessarily by the frame member.
 - 1.3 The above arguments for claim 1 also apply to claim 7.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US-A-6 092 835 (THAKORE ET AL) 25 July 2000 (2000-07-25)
2. Furthermore, the above-mentioned lack of clarity notwithstanding, the subject-matter of claims 1 and 7 is not new in the sense of Article 33(2) PCT, and therefore the criteria of Article 33(1) PCT are not met.
 - 2.1 The document D1 is regarded as being the closest prior art to the subject-matter of

claims 1 and 7 and shows (the references applying to this document):

A cassette comprising a frame member 16,18,22,31,33 having at least two sides (first side at first bolt 18 and second side at second bolt 18) interconnected by a cross member (hinge between 16 and 22); and a reinforcement material 16,22 at least partially encapsulated (by foam 44) and suspended by the at least two sides of said frame member 18,31 such that the reinforcement 16,22 material is positioned at a predetermined location when placed in a mold tool 40.

The subject matter of claim 1 is thus not new.

- 2.2 Document D1 further discloses an interior trim panel comprising a layer of material 4, and a cassette disposed within the layer of material, the cassette including a frame member 16,18,22,31,33 having at least two sides (first side at first bolt 18 and second side at second bolt 18) interconnected by a cross member (hinge between 16 and 22); and a reinforcement material at least partially encapsulated (by foam 44) and suspended by the at least two sides of said frame member 18,31 wherein the reinforcement 16,22 material is positioned at a predetermined within the layer of material.

The subject matter of claim 7 is thus not new.

3. Dependent claims.

- 3.1 The subject matter of dependent claims 5 and 10 is not new.

- 3.2 The subject matter of dependent claims 2-4, 6, 8 and 9 is new and involves an inventive step.

4. Independent claims 1 and 7 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

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5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.